

—Ibero American comprehensive guide for traffic crash victims

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Introduction

1

Justification

Traffic crashes are violent and unexpected acts that affect the lives of thousands of people each day and leave many families feeling helpless because they cannot find the necessary support.

This guide offers a clear and simple explanation of the event, focusing on the legal and psychological scope, with the objective of providing the authorities involved in the traffic crash with real information to best understand what happens to victims and their families upon experiencing such trauma. This could enable regional governments to establish comprehensive action protocols that seek to reduce the suffering of those affected by the tragic and difficult consequences of a traffic crash.

In the publication of the report on the *Response to traffic crashes in Ibero-American countries*, conducted in partnership with Fundación MAPFRE in 2015, the Federación Iberoamericana de Asociaciones de Víctimas Contra la Violencia Vial (**FICVI**) emphasizes the need to launch an *Ibero-American guide on comprehensive assistance to victims of traffic crashes* and create *Units of assistance for road violence victims* in countries in the region.

We have been able to produce this guide thanks to the partnership between the CAF and Fundación MAPFRE. Moreover, personal provision of testimonies from members of the FICVI has allowed us to describe the needs of victims precisely, based on their experiences.¹

We have had the support of professionals that assist those who have suffered traffic crashes when performing their duties, continually or on a one-off occasion. The information that we provide only refers to situations resulting in serious injuries or death. However, given the complex

¹. Rostros Iberoamérica. Association for Safe International Road Travel (ASIRT) and the Fundación Gonzalo Rodríguez (FGR) with the support of the Federación Iberoamericana de Asociaciones de Víctimas Contra la Violencia Vial (FICVI)

and changing nature of road casualties, this information purely reflects the situation at the time of writing. Above all it enables those who have direct contact with those affected to be offered information that is rigorous and truthful that may in no way replace a professional, lawyer or psychologist when required by those affected.

The guide addresses several stages, such as delivering the "bad news", emergency assistance, medical care and rehabilitation. Likewise, it uses clear and simple language to describe the different phases in which victims and their relatives have to combat painful grief every day and, at the same time, deal with the legal system, seeking justice that is restorative for victims, most of all, and preventive for society.

We hope that this guide will provide all those involved in a traffic crash, both professionals and victims, with responses to the many questions that arise from these situations and that the governments can offer better information, creating Units of Assistance to Road Traffic Victims, which provides as much support as is required. Knowing how to listen and share is opening the door to hope for families affected.

Short description of FICVI, Fundación MAPFRE and CAF

The Federación Iberoamericana de Asociaciones de Víctimas Contra la Violencia Vial (**FICVI**) was founded in Medellín (Colombia) in February 2010, and is made up of 18 civil society organizations of victims and those affected by traffic crashes in 14 Ibero-American countries: Argentina, Brazil, Chile, Colombia, Costa Rica, Ecuador, Spain, Guatemala, Mexico, Panama, Paraguay, Portugal, Uruguay and Venezuela.

Its creation represents a critical space in Ibero-America in order to enable the development of common actions and strategies against road violence.

The mission of the organization is to promote cultural change through joint and coordinated action of its federated organizations in order to promote and strengthen road safety in the Ibero-American and Caribbean region, for which it undertakes actions aiming at raising awareness among the institutions involved and in society in general to eliminate road violence and its effects and to support all necessary actions so that our governments may consider road safety as a State policy.

The FICVI campaigns to achieve its main objective: zero victims, to ensure that no one else has to suffer the pain of this tragedy. The FICVI is an Ibero-American network of associations engaged in the improvement of road safety, and is present in almost all countries in the region. It works toward the reduction of road crash rates and their consequences in the region, starting with responsibility, respect for life, non-violence and solidarity, bringing together the commitments of all its associations to defend the right to life and safety of people in Ibero-America, in the knowledge that traffic crashes can be prevented.

Currently, the FICVI is part of the Observatorio Iberoamericano de Seguridad Vial (OISEVI), as a permanent member of the Cooperation Committee², it is a founding member of Latin NCAP³ and member of the *Global Alliance for Road Safety*⁴ and applicant for the *United Nations Road Safety Collaboration* (UNRSC)⁵.

2. <http://www.oisevi.org/a/index.php/sobre-oisevi/autoridades/comite-de-cooperacion>

3. <http://www.latinncap.com/es/miembros>

4. <http://www.roadsafetynegos.org/>

5. <http://www.who.int/roadsafety/es/>

All of the FICVI's member organizations have actively participated in this report, responding thoroughly and in detail to a questionnaire that was prepared by the managing team, and collaborating in its validation.

CAF - development bank of Latin America

CAF is a development bank created in 1970 that is formed of 19 countries, (17 in Latin America and the Caribbean, as well as Spain and Portugal) and 14 private banks in the region.

It promotes a sustainable development model through credit operations, non-refundable resources and support in technical structuring and financing projects in the public and private sectors of Latin America.

With headquarters in Caracas, Venezuela, it has offices in Buenos Aires, La Paz, Brasilia, Bogota, Quito, Madrid, Mexico City, Panama City, Asunción, Lima, Montevideo and Puerto España.

Fundación MAPFRE is a non-profit institution created by MAPFRE International Insurance Group in 1975, that undertakes activities of general interest in 24 countries to contribute to social well-being and to improving the quality of life for people in general. The Foundation works in the following areas: security of people and their assets, with special attention to road safety; prevention and health; the dissemination of culture, arts and humanities; awareness, training and investigation on matters relating to security and social provision; the investigation and dissemination on the common history of Spain, Portugal and Ibero-American countries and all those linked to the aforementioned through historical ties; and finally, the improvement of economic, social and cultural conditions for disadvantaged people and sectors in society.

Following a traffic crash

2

Activation of the traffic crash response system and chain of assistance⁶

It is still possible to prevent and minimize damage to people once a crash has occurred. To do this, protocols of action are established that are summarized in three initial points: Protect, Alert and Save (PAS).

Protect

- Upon arrival at the place of the crash, the area must be protected to prevent further collisions and crashes.
- Try to keep an access route clear for emergency services. Always leave a light flashing and, if possible, wear protective clothing enabling visibility, and place a sign (triangles) alerting other drivers of the crash.

Alert

- Before calling the emergency number (911 in most countries in the region), compose yourself in order to provide as much information as possible regarding the name of the road and the specific point at which the crash took place, the number of vehicles involved, as well as those injured and their condition. It is important to make yourself known, keep calm and do not hang up the phone until told.

Save

- The first step is to assess the condition of each victim to attend to those with more serious injuries first. Do not take the injured person out of their vehicle or try to move him/her, unless at risk of death, (e.g. if there is a fire in the vehicle) and never remove the helmet from a motorcyclist under any circumstances.
- In the absence of knowledge on resuscitation, the best option is to await the arrival of health professionals. If the injured person has difficulty breathing, you can help him/her by tilting his/her head backward slightly, without moving the spine, to try to open the airways a little. It is vital to remember that the injured person must remain conscious at all times, to do this keep talking with him/her and try to calm him/her down.

**THE CHAIN OF ASSISTANCE:
THE GOLDEN MINUTE**

P/ Guard the place of the accident	Wear reflective clothing and mark off the area with lights or triangles. Do not stand in the road.
A/ Alert emergency services	Call the emergency number and inform them of what has happened, giving them the most precise location of the place. Number of injured people and special circumstances.
S/ Help the victims	Do not move people who are injured, nor remove helmets from motorcyclists. Calm those who are injured and offer first aid, if you know how to.

Emergency assistance

When involved in a traffic crash, bear the chain of assistance in mind, as indicated by the World Health Organization (OMS), with those in the crash or who arrive first to the scene and perform the Protect, Alert, Save (PAS) procedure.

The role of the healthcare services in all countries in the prevention of traffic injuries is crucial, highlighting their importance in the moments following a traffic crash.

The efficiency of emergency systems must be improved, particularly for the quality of alert services, moving from the location of the crash, initial trauma care, among others. 73 percent of countries in the

region have a national emergency telephone number, but the single number for receiving the call must be harmonized. 911 is used in the majority of countries in the region.

70 percent of countries in the region have specialized personnel for traffic emergencies, but they need to make improvements in their response time as every moment is vital in emergency response

There must be an action protocol that guides and assesses professionals, as well as specialized transport that enables safe movement of victims and the response of healthcare services must be adapted to the needs of each case, guaranteeing the stability of the patient and reducing the risk during transfer to the nearest hospital facility.

CARE RESPONSE PERIOD IN TRAFFIC CRASHES



R/ Recommendations

To public authorities: implement Pillar 5 of the Decade of Action Response following traffic accidents, to improve the capability of the emergency healthcare systems and those for long term rehabilitation in order to provide victims with the most appropriate treatment.

The need to establish and assess protocols of action for emergency assistance is considered, as well as improving response times.

To victims: demand fast and high-quality assistance services.

To the first respondents: it is vital to know how to act in the event of a traffic accident to reduce its severity.

Data collection

The Observatorio Iberoamericano de Seguridad Vial (OISEVI) is the agency that joins the countries in the region and monitors all agencies involved that must have the action protocol, which must include data collection procedures, information transfer and processing, adapting to new technology.

The information gathered must guarantee its dual purpose:

- The first is data collection for expert reports and the necessary records that will be submitted to the judicial authority. This data is essential at the time of determining liability, and ensures the greatest amount of information possible for investigation into the crash.
- The second is collecting data and variables of interest to design road safety measures: exhaustive and unique information on factors relating to the crash, the road, the vehicles and the people involved.

There should therefore be a record of victims and traffic crashes in each country, this must contain information from the compilation of different sources (police, forensic, hospital), to prevent the duplication of data, and, where possible, obtain the actual number of deaths in traffic crashes within 30 days, and the types of injuries suffered by those affected. All this information enables better knowledge of the circumstances of the crashes and the injuries resulting from them.

The publication of the data must be on a daily basis with regard to fatal crashes that take place on the highway, with 24-hour calculations of deaths, as this quick indicator system must be updated practically in real time by the security forces with jurisdiction in the area. The annual statistical information should also be published, and those crashes that are fatal or non-fatal, within 30 days. Micro-data files must also be sent to the research centers on road safety, upon their request, enabling them to perform detailed studies on the crash rate and use them to prioritize where their resources should be directed to eradicate the specific problem in each country.

R/ Recommendations

Each country must have a national road safety observatory, included in the OISEVI and including infrastructure, trained professionals and an independent budget.

Delivering the "bad news"

Traffic crashes are unexpected, traumatic, negative violent and uncontrollable occurrences, although the vast majority are preventable, and affect everyone involved.

The reporting process must be personalized. It is vital that it is adapted to the needs, bearing the family members in mind and the context in which the communication is made.

Knowing how to communicate *bad news* is the first step in reducing the psychological impact that could be caused to people.

R/ Recommendations

Be very careful when communicating to prevent victimization at two levels:

PRIMARY

Direct or indirect involvement at the time of the accident

SECONDARY

In the relationship between primary victims and legal or social institutions that must attend to them. Secondary victimization is caused when this relationship does not take the circumstance and needs of the victims into account properly.

Training the professionals involved.

Delivering bad news is a professional and ethical commitment, and at the same time an art that must be learned.

The following is therefore required:

- Training for all those involved in the process: authorities, professional and emergency healthcare workers, rescue teams, firefighters, etc.
- Development of an action protocol.

How should the bad news be delivered?

- There should be an assistance protocol that must provide two key elements:
 - Knowing how to transmit securely
 - Creating confidence and trust

→ Communication strategies in crisis situations:

- Assess the scale of the traffic crash, compile the information, contrasting it, ensuring that it is reliable (for example if the victim has died or has a serious injury) and to have all necessary information about the person being informed available, including his/her family circumstances.
- Find a private setting where the person feels comfortable.
- Communicate the facts at a pace that the person can follow, clearly and concisely.
- It is advisable to offer a narrative approach of the situation (inform that something serious has happened, explain it in general terms and finally communicate without giving excessive detail).

●● A look, a gesture, is worth
more than a thousand words ●●

→ Psychological first aid:

Companionship and support: it is advisable to express availability to respond to claims, spend enough time and resolve problems that may arise. Listen carefully to the person affected and make them aware that you understand them and the feelings that they have.

- Avoid informing people by phone, try to locate the relatives and communicate the news at their home.
- Have a time and a place that are appropriate.
- Maintain intimacy.
- Deliver the information well.
- Identify concerns and attend to them.

●● The family is left utterly defenseless,
like navigating in the depths of
the ocean ●●

Edit Rissi, mother of Florencia, killed in a traffic crash in Argentina.

Do not improvise:

- Speak clearly and precisely, create the feeling of closeness and trust with the person, speak in first person and call the victim or family member by name.
- Transmitting the commitment to help.
- Never lie when communicating, if anything, omit.
- Evaluate how much information can be taken in on the basis of subsequent response, such as, for example, denying the occurrence.
- Keep listening attentively: allow him/her to express his/her feelings, to not interrupt tears, attend to the person, his/her reactions and needs.

- Silences and non-verbal communication must be managed well. It is advisable to leave pauses in the conversation to allow the victim or relative to express him/herself.
- Ask direct open questions, such as "Who would you like us to inform?", and answer any questions asked such as "What happened? What was it like? When did it happen?"
- Listen and respect his/her objections. Demonstrate a great ability to empathize.
- Ask without making any assumptions: "Would you like us to accompany you?"
- Once emotionally stable, never leave the person alone (even accompany him/her to the funeral home or hospital facility if he/she has no way of getting there).

●● Try to give him/her some hope,
reach out.
●●

R/ Recommendations

If the bad news must be communicated by telephone:

- Follow a previously established protocol and write down the content of the message to be given before making the call.
- Locate the relatives: identify the person who is on the other end of the phone and try to choose the most appropriate family member.
- Ensure that all information has been communicated well: where they must go, among others.

Communication protocol in 10 steps

Basically involves identifying and recognizing reactions that people have. Bad news can worsen the situation if it is not delivered adequately. The role of silences, non-verbal empathy, listening and respecting the feelings of the person must be highlighted here as important elements.

1. Assess the urgency of communication
2. Prepare communication
3. Have an appropriate setting
4. Presentation to the representative
5. Gather the close friends and relatives
6. Communicate the bad news
7. Await reaction, support and control it
8. Attend to needs and requirements
9. Facilitate arrangements and practical aspects
10. Accompany

Consequences of poor communication

Feeling of helplessness
Feeling of incomprehension
Feeling of emptiness
Despair

R/ Recommendations

To public authorities: The training of all professionals enables the prevention of second victimization and impact on the improvement of the service provided.
Take a lot of care over the communication of emotions and the therapeutic use of a hug.

To victims: Family is a critical pillar for those suffering grief as an after-effect of a traffic accident.
The scale of the situation affects all those emotionally involved, it is therefore necessary to offer psychological support to professionals as well as victims.

After-effects, medical care and rehabilitation

The after-effects are the permanent damage caused as a result of injuries resulting from a road crash.

They often require treatment over a long period of time, even for life. They are also significant due to the repercussion that could be experienced in other areas of life such as relationships and personal life. They could affect the performance of daily duties, general health or impact the quality of life and social integration.

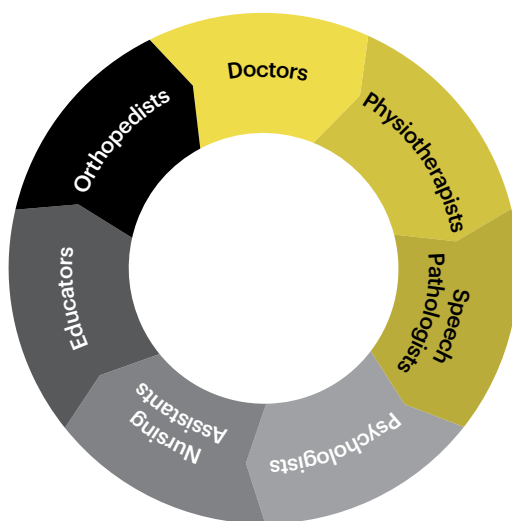
Injuries from traffic crashes are one of the primary causes of disability⁷. However, there is still a shortage of information on the after-effects of traffic crashes. The region has a necessity to conduct further research on injuries and after-effects, in order to make the issue known and therefore, reinforce the importance of needing to seek solutions.

7. http://www.paho.org/bra/index.php?option=com_docman&task=doc_view&gid=1478&Itemid=423
<http://www.who.int/mediacentre/factsheets/fs358/es/>

In 2001, the WHO updated the classification of injuries in its publication *International Classification of Functioning, Disability, and Health*, better known as the ICF. The classification has three categories of impacts: body functions and structures, activities and participation and environmental factors. These three categories interact with each other and with environment, causing deterioration, limitation of functioning and restrictions in social participation.

To assess the after-effects, bear in mind the capacity for independence, repercussions on the capacity to work (the affects may be partial, total, absolute or trigger serious disability), repercussions at a sporting level, impact on sex life and, finally, repercussions at an esthetic level.

The assessment of the victim must be realized by a multidisciplinary team at least, and preferably by an interdisciplinary one. The latter involves specialists working together on assessing the limitations and disabilities (health, education, psychology, social work, among others).



The ideal would be for there to be different levels of assistance to perform rehabilitation treatment (at a primary care level, hospital care, long-stay units, home care, non-profit associations, among others) depending on the needs of the victim.

R/ Recommendations

High-quality medical care, starting with the reduction in initial emergency response times and ending with comprehensive rehabilitation, is vital for the reduction of after-effects from traffic crashes.

Psychological support for victims and relatives

3

Grief and how to combat emotional stress

It has been demonstrated that, following an emergency, mental health problems in survivors require assistance and follow-up over a prolonged period of time, during which they must face the task of reconstructing their lives.

The vast majority of people, if they receive adequate primary psychological care, do not require professional assistance.

Mourning involves a person actively committing to personal work that leads them to recognize and accept the loss suffered and its consequences.

Grief has stages, whether or not successive, that enable the person to move through and process loss. It is not a linear process of constant improvement. These stages do not necessarily go in order, they can overlap and there are often ups and downs. However these are stages that always occur in these painful circumstances.

● ● ...humans have more resources than we think, and their ability to be reborn remain as the body survives ● ●

Alice Miller

Different stages and how to face them

Grief is a journey along which a set of stages must be passed through. Below is an approximation of what happens, with potential ups and downs along the process. Although grief varies according to the person and it is therefore difficult to place a limit, it is a slow but progressive process. A key moment could be one in which it is possible to look at the past and remember without acute pain and sorrow.

Stages	How to face them
<p>State of shock and depression</p> <p>The sudden loss of a loved one in a traffic crash that is unexpected and unprepared for, causes a kind of paralysis.</p> <p>Both serious injury and death in tragic circumstances seen as "unfair" cause people, relatives and friends to go into a state of <i>shock</i>.</p> <p>Denial of the loss, crash, situation.</p> <p><i>"They can't be dead, it's not true"</i></p>	<p>Feeling like you are being listened to, assisted and understood at these times generates security, trust and strength to express yourself.</p>
<p>Anger: rebellion is a common feeling</p> <p>A feeling of complete helplessness is experienced, searching for someone to blame and demanding justice.</p> <p>There are feelings of disbelief, avoidance, resignation or intolerance with those surrounding you, including your family.</p> <p>Every family member handles his/her grief differently.</p>	<p>Allow for reflection and awareness.</p> <p>There are often solidarity movements in defense of the victims and processing reality: this reaction is controlled in the creation of an association.</p>
<p>Fear, depression, sadness</p> <p>Mourning involves feelings of fear at set moments or total distress, feelings of abandonment or the lack of ability to face the truth.</p> <p>Sadness is a crucial stage, despite being difficult to experience. Sadness is frustration, discomfort, exhausting for others, at this time it is not possible to mourn and heal. You try not to and avoid being sad and crying.</p>	<p>Only later, when the loss is truly perceived, is the absence accepted. The work of mourning can thus take place, and this is how the path toward life begins.</p> <p>You come out from the <i>impasse</i> of the loss and approach the grief.</p>
<p>Acceptance</p> <p>You must learn to live again. Acceptance is not resignation, but progression, entering a new and totally unknown threshold.</p>	<p>It is possible to visualize coming out of grief following true acceptance of the situation. You accept a different way of living.</p>

Stages	How to face them
<p>Forgiveness</p> <p>Forgiveness is putting an end to the suffering caused by resentment. To forgive is not to forget, as we keep the lessons learned from experience.</p> <p>To forgive is also to give up. It involves forgiving those who caused the loss.</p>	<p>Forgiveness takes a lot of time and effort. The ultimate goal is peace of mind.</p>
<p>Seeking sense and renewal</p> <p>Grief can be pathological, people that want to continue suffering as their pain is understood as a tribute to the person who has died, proof of love. This suffering seems to be the only way for them to stay attached to the person who has gone.</p>	<p>A painful experience may be the opportunity for affective maturity and personal development.</p> <p>Begin to live, live again, in the here and now.</p>
<p>Peace and tranquility</p> <p>Looking at the bright side of life, just as it comes, with its happiness and sorrow, enables better acceptance and for worries to be understood.</p>	<p>Death confronts you with vulnerability itself. You feel the need to control the uncontrollable.</p>
<p>Lend a hand</p> <p>When you offer to help somebody, many conditions must be met for this offer to be an invitation to him/her entirely.</p> <p>Take a lot of care over the communication of emotions and the therapeutic use of a hug.</p>	<p>Family is a critical pillar for those suffering after-effects as a result of a traffic crash.</p> <p><i>"There are words that touch and gestures that speak".</i> Joel Clerget</p>

Grief for children

Children

Experience grief differently. To go through the stages of grief, the child needs to know the truth and has the right to it. It is therefore essential for them to know what happened and to be given the information that they need.

Children need images and memories and it is important for them to say goodbye to the person that is dying or has died. They should also attend the ceremonies at the church, wake and cemetery.

They can only experience their grief if adults in the family tolerate and encourage it.

In any case, part of the grief is latent until they become an adult.

Physical, emotional and psychological reactions are considered normal in children

Any traumatic experience is an unexpected unbalance in day-to-day life. For a few hours, days or weeks there will be a series of reactions that must be considered normal and temporary, such as those shown below, among others:

- Distress, hyperactivity, insomnia, nightmares, fear of sleeping, loss of appetite or over-eating, knots in the stomach or throat, loss of concentration, mood swings.
- Changing or uncontrolled emotions, difficulty receiving or showing affection, constantly asking "why?", tendency to avoid situations or places relating to what happened, avoiding speaking or thinking about what happened.

All of these reactions are seen as "normal" and are anticipated to be temporary if they are confronted and understood instead of avoided. The vast majority of people overcome them without suffering psychological damage requiring treatment.

Not everyone presents these symptoms, nor in the same intensity. In general, the most frequent reactions are emotions and behavior relating to fear and sleep disturbances. Silence, in principle, is not necessarily behavior to avoid speaking about the crash, but it is important to observe his/her behavior (if he/she displays sadness, is more quiet than normal or moves more than before the crash). It is advisable to know how to "read" his/her expressions, especially those that are very different to usual.

How and when to deliver bad news to children

Without open and honest communication, children seek their own answers to questions that are outside of their ability of understanding. It is important for parents to dissipate wrong thoughts relating to death in order to establish an emotional link among themselves and the children remaining. This is a crucial moment that can affect the development of their personality and their ability to establish and maintain future parent-child relationships.

It is important to inform about what happened immediately: parents or those who are close in a private and calm place - home is most advisable-. It is important to explain the emotional state of the parents to the child, to explain what has happened with simple language, repeating the information as much as needed, without lying. Do not give too many explanations. Allow them to express their emotions and go to the funeral.

This experience must be approached respectfully, recognizing the role that it plays in your life, but not allowing it to take over.

Grief for adolescents

It is very important to talk to them. "The grief that does not speak knits up the o-er wrought heart and bids it break" wrote William Shakespeare. If you lie to them or do not tell them what you think, there will be a lack of trust toward you because they think that you do not trust them and that you always lie to them.

Activity and not avoiding facing the situation, attempting to make life as normal as possible, as early as possible, is the key to facing it. Not just oneself, but for those around you will benefit from this. Activity is one of the best resources. Adolescents are already facing a complicated stage in their development. Adding emotional impact such as suffering a traffic crash, being the party responsible for it, or relatives or friends being injured or killed, causes a loss in balance, which is already the case in this period of constant changes.

Reactions following a traumatic event differ according to age. Do this in the same way as with children, explaining reactions, observing, letting them express themselves, with no lying. Help them to give a name to how they are feeling. However the most visible manifestations can vary here: anger, irritability, antisocial behavior, secretiveness, academic underachievement. It is also worth indicating that they may have feelings of guilt relating to survivor syndrome ("I should have been the one to die") or rather displays that make them feel that the sibling who died is more important and that they are relegated in the family unit, always trying to live up to the circumstances or trying to make up for the person who has died ("you would have preferred for me to die").

It is a good time to empower them and make them resist peer pressure. Academic performance can change. It must originate from the usual achievement of the child, whether outstanding, average or poor. Their peer group: Does he/she continue to go out, or in contrast, isolate him/herself at home? Does he/she say that he/she does not go out due to studying or avoidance? The best prevention is to attend to his/her needs, explain to him/her and help him/her to ask for help, sometimes "time does not heal everything" and you have to speak to a professional, as well as trying to detect which behavior is most alarming, without confusing it with normal behavior at this stage of development.

How can you combat emotional stress in the event of hospitalization?

Psychological damage can be present following a certain degree of physical recovery. Periods being admitted to hospital are forced discontinuity in personal, social and professional life, meaning that it is advisable to think about how to adapt to the new situation at any time, attending to the presence of physical damage and future recovery.

IMPORTANT

Acute psychological reactions are experienced during or immediately after a traffic accident and will be resolved progressively over the first six months. If they do not go away, a specialist in these disorders should be consulted as soon as possible.

NEVER

Resort to self-medication: medication is often misused in these stages, as well as later on.

R/ Recommendations

To public authorities: To create units of assistance to victims of traffic accidents, which are the place to go to when seeking answers.

To establish protocols of psychological attention to victims and their relatives.

To victims: To request specialized help if the grief does not pass or if there are symptoms of its progression.

Listening and knowing how to explain enables those affected to understand and act calmly.

- When all of us mothers who are mourning are gathered together, we are able to see that we are not alone in this pain, and that we can get through this process of grieving and, in the end, the pain will not go away, but we can learn to live with it.



Ana Luisa Solís de Rodríguez. Mexico

Legal guidance

4

For those who have suffered a traffic crash, it is vital to have enough information on the legal system in each country, written in simple language that responds to the doubts that arise initially. This guidance must provide specific information and recommendations on the most relevant questions.

The complexity of the legal system for those that do not know it, and the need to ascertain the truth about what has happened, often prevents their rights from being enforced (those affected), because their emotional state and the varying circumstances they are facing sometimes cause them to make misinformed decisions that are difficult to solve later.

Basic general information

People who have suffered a traffic crash and now search for an answer in the justice system should know they have a series of rights related to the possibilities of obtaining a process for restitution and repair of the suffered damage. However, we know that nothing can make up for the loss of a loved one or irreversible injuries.

Furthermore, it is necessary to make sure to have the best advice possible about how to focus the complaint for compensation and repair to which the victims have a right. In this regard, it is advisable to calmly select this advice and not accept hurried offers or offers from lawyers without prior references and that can suddenly appear at hospitals, emergency rooms, courts, complaint centers and the place of the crash. These people can often have specific

information about the case and the affected individuals which can induce certain trust in their professionalism. In these cases, individuals must always be alert and ask for a second opinion and orientation.

In general terms, we recommend not immediately accepting services. The affected individuals should take time to be oriented before signing any document at this time and seek the support of a relative or person who they trust.

R/ Recommendations

To public authorities:

Protection must be provided, recognizing a period of reflection to guarantee the victim's rights, that makes it possible to regulate which lawyers or professionals interested in the accident can talk to the direct or indirect victims of traffic accidents to offer their professional services until a minimum of 30 days from the accident have passed unless the provision of these services was expressly requested by the victim or a member of his/her family.

To victims:

Do not sign any kind of document, power or agreement without having reviewed it and seeking a second opinion unless you truly trust the professional. It is important to obtain advice on all of your rights in order to assert and call for criminal liabilities from the responsible parties and claim the civil rights that correspond to you.

Complaint and claim

It is necessary to differentiate between a complaint and claim:

A **complaint** can be filed when personal injury and property damages (criminal route) or exclusively property damages were suffered whenever they are the result of an crash that constitutes a criminal offense.

A **claim** can be filed when exclusively property damages or when very minor individual injuries (whenver they do not require medical care or treatment) were caused. The claim can be filed through the civil route.

Therefore, any victim of an crash can go the legal route when personal injury or property damage or both were caused and has the right to file a complaint or claim where applicable.

Who should file the complaint?

The victim if he/she is in conditions to do so in the maximum established legal time period. For minors, through their legal representatives. If the victim is not in conditions to file the complaint, the closest relative. If the victim passed away, those directly affected (spouse, children, parents, siblings, among others.).

To file the complaint, the victim must go to the police station that corresponds to the place where the crash occurred. There, the victim will be informed of the procedure to follow.

Legal assistance - How can I cover the cost of the judicial proceeding?

The victims of traffic crashes or their relatives often do not have enough assets to file a lawsuit and are doubly victimized. They should keep in mind that, if they meet the legal requirements in most countries, they can access free legal assistance services. In this point, we remind victims that the right to access justice implies the positive obligation of the Government to create the legal and material conditions which guarantee their validity in conditions of equality.

Agreement between parties, reconciliation phase

In some jurisdictions there is what is known as an extrajudicial agreement or reconciliation phase. This entails both parties being able to meet to reach an amicable agreement and determine, through mutual agreement, the amount of compensation for the property damage. This agreement does not have to be accepted. However, in some cases, for the property damage complaint, going through this phase is established as a prerequisite and, if not in mutual agreement, the non-conformity or lack of reconciliation and the desire to continue with the lawsuit is recorded in writing.

R/ Recommendations

To public authorities:

You should make pro bono lawyers available to the victims.

To victims:

It is important to know that the extrajudicial route does not have to be accepted.

They should also know what their rights and the time periods established to file their complaint are as victims of a traffic crash.

Obtain a copy of the Report containing information on the crash.

Demand the application or modification of laws to protect your rights as citizens.

The right to access justice requires the Government to adopt measures for balancing the economic and social limits which affect the exercise of this right.

Key documents

Report containing information on the crash

After the crash, it is essential to obtain a copy of the official document drawn up by the authorities responsible for monitoring traffic. This document contains all of the observed information, findings, statements and relevant circumstances in order to determine the causes of the crash. This report has different names depending on the country (report, police report, crash sketch, IPAT (traffic crash police report), among others) but the content is basically the same and will constitute essential evidence to start the process for damage and losses and establish liability for the crash.

Hospital admission medical report

This is the document filled out by the medical staff who care for the victim and that briefly references the clinical history of the admitted patient, with personal and surgical background information along with other information considered important. It also includes the current pathology and its cause.

Medical examiner's report

This report is issued by a medical professional for the Court that undertakes the proceedings and in which the professional must provide information on all of the injuries suffered by the victim (including information such as the days to heal or stabilize the injury, the type of damage and the time of disability of the affected individual). In this report, a series of specific evaluations are performed for each case and it is necessary to provide all medical and recovery information available.

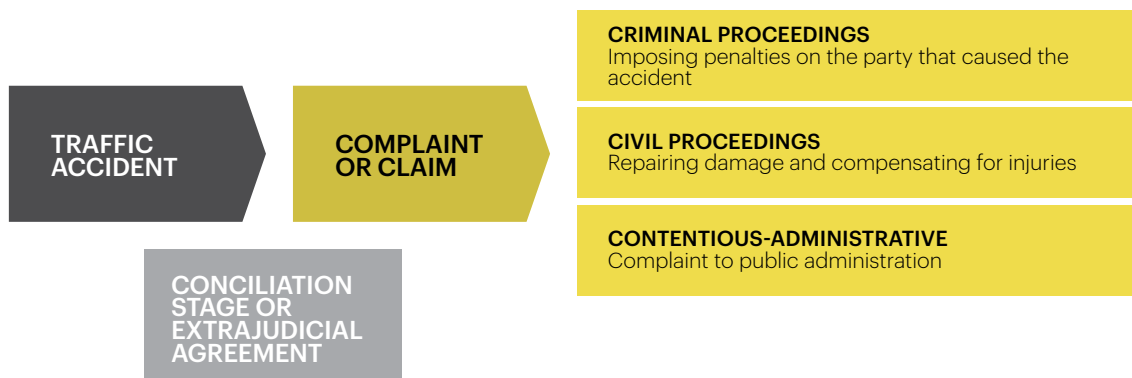
Death certificate

Signed by the intervening health staff and death certificate provided by the Office of Vital Statistics or the funeral home.

Types of legal proceedings

If a direct victim or relative of a traffic crash victim, the individual has the right for the damage caused to be recognized and then to be compensated for the damage (physical, property or personal) suffered.

To do so, there are different legal routes for establishing the complaint. See the diagram below:



The legal route can, mainly, include four stages:

Stage one: The complaint or claim is filed before the competent authority. This will result in a response from the other party that will be represented by its defense lawyer.

Stage two: The gathering of evidence that supports each position (witnesses, reports, experts' reports, among others).

Stage three: Trial (civil or criminal depending on the case). The judge hands down the ruling in which it is essentially determined who is responsible for the crash and the corresponding sentence.

Stage four: Recourse to appeal, means of recourse, that is resolved by the court immediately above the court that passed the first ruling. If in disagreement with the first ruling, a recourse can be filed to review the first ruling and that the new judge decides, upon studying it, to confirm, revoke or modify it. The recourse to appeal proceeds against first instance rulings and certain kinds of official documents as indicated in the regulations of each country.

Main legal options

The legal route will either start when the traffic crash constitutes a crime, in which case a criminal proceeding will be started, or when an agreement is not reached between the parties regarding the amount to repair the damage caused.

- 1. Criminal proceeding:** This proceeding starts when there are indications that a crime was committed (offense included in the Criminal Code of each country). In this case, a complaint must be filed in order to undertake the criminal proceeding. If it is effectively established that a crime was committed, the amount of the compensation is generally determined in the criminal proceeding based on the damage caused. The judge passes a sentence as per the Criminal Code of each country (jail time, among others).
- 2. Civil proceeding:** If, during the reconciliation phase, financial repair of the damage caused is not agreed on, a lawsuit must be filed to claim the damage and losses caused by the crash that is considered appropriate before the civil courts.

3. Contentious-administrative proceeding: In this case, a legal claim is made to the public administration (i.e. the municipality or ministry). This claim must be presented before a specific kind of courts called "contentious-administrative" and through the "contentious-administrative recourse". This proceeding is started in cases in which an crash was caused due to poor road conditions, for example, or because it is considered that the public officer on duty was the responsible party, among others.

Time Periods to Keep in Mind

Regardless of the kind of damage suffered (personal or property), it should be kept in mind that all actions are subject to a series of legal formalities that must be practiced in a few work days and hours at the main office of the competent authority and especially within certain periods of time.

The laws of each country determined a series of different time periods that must be kept in mind. The time periods represent one of the first aspects that must be consulted: what is the time available for asserting rights? This information must be duly given by the professional providing legal orientation to the involved individual.

It is necessary to know the time periods for:

- Informing the insurance company.
- Filing a complaint in the criminal jurisdiction.
- Filing a civil claim for liability for damage and losses. In this case, it is necessary to find out when it is possible to conduct the action. In most legislation, this possibility starts from the date of the crash or after the injuries healed or the definitive scope thereof is known.
- Filing the contentious-administrative claim.

Third-party liability and expenses that can be claimed

Property damage and personal injury can be claimed. It is important to duly inform the lawyer of all property damage and personal injury suffered as the result of an crash so the total estimate of the damage to claim can be made. The final amount is determined by a judge using the reports issued by the medical examiner and legal experts. If there is a scale or estimation system, the judge will use these clearly established financial parameters to compensate the damage caused.

Personal or bodily injury: Compensation for injuries depends on the report issued by the Department of Forensic Medicine or the other medical experts.

The following may be requested depending on the injury:

- Compensation for death
- Compensation for medical or health expenses
- Compensation for permanent injuries
- Compensation for temporary disability (loss of earnings).
- Compensation for permanent, total disability

Property damage: To claim property damage such as repairing the vehicle and the objects damaged in the crash. This also includes funeral or burial expenses.

Compensation, financial coverage and insurance

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For the purpose of guaranteeing post-crash response, there is a law governing third-party liability insurance or TLPI (Third-Party Liability Law) that regulates both the third-party liability derived from the use and circulation of motor vehicles as well as their insurance.

In this regard, it is important to ensure its validity to the possible victims and their relatives. To do so, the government must, in addition to taking out the insurance, supervise up-to-date payment of the insurance, establishing that non-compliance with this obligation will constitute an administrative offense.

To do so: the competent traffic authority and insurance companies must look for a system supported by the latest technologies which allows for information on subscriptions and cancellations of vehicles to be exchanged in order to guarantee control of the insurance obligation.

If, after the occurrence of the traffic crash, the victim is helpless because of an inability to identify the offender or because the latter cannot be held civilly liable as he or she does not have insurance or assets, the Government must take on vicarious liability for the coverage up to the mandatory insurance limit in order to bear the expenses and protect the victim. This does not happen in all countries.

For this purpose, a national relief fund that guarantees coverage of payments to traffic crash victims must be created.

It is true that coverages purchased in automobile insurance policies do not always cover all of the consequences of an crash. However, it is important for the compensations in the event of death, injuries, periods of sick leave, among others, to be regulated by a legal statute that establishes the amounts, in order to guarantee, by using estimation tables, equal access to fair compensation and reduction of discrimination due to different opportunities (access to better lawyers, judge's opinion and greater individual financial resources).

This estimation table must cover the individual circumstance of the crash victim (salary, type of work, among others) and set out the procedure to be followed in estimating the damages. It must be updated annually with the consumer price index (CPI) in order to guarantee its effectiveness

Mechanisms must be activated in order to guarantee that all victims receive the same type of assistance, the cost of which must be covered by the mandatory third-party liability insurance.

R/ Recommendations

To public authorities: Create a national relief fund that guarantees coverage of payments to traffic crash victims.
Guarantee damage estimation tables.

To victims: Know what their rights and obligations are with the TPLI or the health system.

Units for assisting victims of traffic crashes and support network

6

In several countries, there are offices for assisting victims of violent crimes but assisting victims of traffic crashes was not included in their duties.

Currently, victims and their relatives may seek legal advice from citizen service offices of the district attorney's offices, ombudsman's offices, university law schools, bar associations or social services that may advise them on their possibilities. In most countries, victims lack institutional, specialized information on the matter. In these cases, victims' associations usually make up for this lack to affected individuals that require it.

We stress the importance of: creating, in the countries of the region, units for assisting victims of traffic crashes. This is a requirement from victims' associations.

Furthermore, the need to create district attorney's offices specialized in crimes against road safety is being driven for the purpose of standardizing the action criteria for an effective response to criminal acts against road safety that ensure standardized criteria and responses in this regard.

There is the need for an opportunity to cover a lack of regulations at the regional level on planning, action and coordination of professionals involved in these cases with victims of traffic crashes. In order to respond to their requirements, victim assistance units must be created. Once they exist, they must specifically include services for traffic crash victims. These units must be preferably located in justice bodies or social services.

Assistance must be mainly aimed at victims of traffic crashes in which there were people injured or killed. The service must be provided physically (in person) by qualified and trained professionals. However, considering population dispersion, at least the initial phase of victim orientation must include orientation via the telephone or online assistance.

The telephone assistance service is a way to, using appropriate technology, provide victims with immediate assistance from a distance, guaranteeing a fast response to the unexpected events that may occur and, wherever they are at any time, be attended to by personnel specifically prepared to give a proper answer to the posed needs.

These units must focus on three critical aspects: information and general orientation for exercising rights, assistance and psychological support, and social assistance.

The personnel must consist of professionals from different disciplines specifically trained on intervention in traffic crashes for the purpose of providing precise, quality information to both direct and indirect victims.

The ideal is to receive a well-coordinated intervention so as not to suffer continuous referrals from one service to another that impairs victim assistance and prevent secondary victimization.

R/ Recommendations

To public authorities: Create units for comprehensive assistance to victims and relatives of traffic accidents.

Encourage district attorney's offices specialized in responding to criminal acts against road safety, ensuring standardized criteria and responses in this regard.

To victims: Request provision of this service with trained professionals who have the institutional information needed for comprehensive assistance.

However, it is necessary to remember that victims' assistance units cannot replace law professionals and clinical psychologists since their job consists of orienting, accompanying and informing.

To do so, there must be an **action protocol** in which the action model phases of other victim assistance offices will be followed: Reception and general orientation, personalized legal information and follow-up:

- 1. Reception and general orientation:** An emergency service usually receives the individual. Orientation will entail informing the victim of: what a sketch and data collection report or police report are; what a crash statement consists of; the procedures and complaints that must be undertaken, the complaint, the trial, among others. Inform them of the convenience of seeking a criminal specialist, participation in the district attorney's office process, hearing with the sitting judge and the importance of witnesses and other testimonies.
In this stage, all socioeconomic information on assistance must be provided.
- 2. Personalized legal information** must be offered by professionals in the legal area that will handle the specific case and will respond to all doubts and needs for specific information on the complaint or claim and, in general, all rights. This point includes:
 - Information on the possibilities of obtaining, in the criminal proceeding, the restitution for and repair of the damage suffered.
 - Information on the possibilities, if there are any, of obtaining pro bono legal aid benefits.
 - Information on the time periods, date and place of the trial, clarification of doubts, legal terms or concepts (appeal, decree, official document, notice, among others).
 - Information on the decision made in the proceedings whether or not the criminal action was prosecuted.
- 3. Psychological intervention and follow-up.** This is usually when the victim will be evaluated for the first time, giving priority to direct victims and victims who, under professional criteria, require more assistance.

Professionals in charge of the units can only provide primary support, encourage self-help groups and refer to associations or specialized professionals.

A coordination network used to know the competencies of each body assisting victims of traffic crashes must be established to provide individual and general coordinated assistance.

To do so, the following will be essential:

Create a protocol

Sign a protocol used to coordinate the actions that, from the different institutions, are undertaken to attend to victims of traffic crashes in the country. This protocol will apply to victims that request it.

Establish a network

Create or design a network for general coordination of the protocol drawn up by different political, institutional (education, health, justice) and social agents, among others, who will be responsible for tracking and responding for execution of this protocol.

Establish coordination

Appoint model professionals for technical and administrative management.

Disseminate protocol

Disseminate the contents of the protocol among technical personnel of the different towns, provinces, among others, that are part of the network or depend on each of the signing companies and that are involved in victim assistance.

Train professionals

Encourage training plans used to understand the needs of victims of traffic crashes, especially referring to the guidelines in the protocol for its coordination. The training plans will be aimed at professionals that are part of or depend on each of the signing companies.

Establish an orientation and assistance service

Assist victims, trying to avoid, as much as possible, secondary victimization and reducing, to a minimum, the lack of information or misinformation that adds pain and uncertainty.

Provide resources and infrastructure

Guarantee the procedures, tools and resources needed to comply with all aspects that are not considered in the initial protocol and that are present from the time of signing to its revision in a minimum period of three years.

Inform the population

Communicate the existence of this service and encourage media of influence to get involved in spreading the word about the assistance service and the fight against road violence. Get citizens from the victims' associations involved.

Evaluate and follow-up

It is important for this victims' support network to have a follow-up stage in order to analyze the legal, psychological and financial situation of the victim after the crash in different time periods. These evaluations will be internal and external in order to analyze the degree of satisfaction of the people who provided and received assistance.

Conclusion

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The presentation of this *Ibero-American Guide for Comprehensive Assistance of Victims of Traffic Crashes* responds to the needs detected by FICVI after finishing its report on *Response after traffic crashes in Ibero-American countries*; and complies with Pillar 5 of the 2011-2020 Global Plan for the Decade of Action for Road Safety.

Furthermore, following up on the 2015-2017 Action Plan of FICVI, its professionals and technicians drew up this guide in accordance with the established methodological tool for obtaining information from the key informants in order to identify the specific needs in the project (priority areas) and apply it to follow-up on the response of participating associations. When drawing up the guide, there were valuable contributions from Fundación MAPFRE and CAF - Latin American Development Bank.

The final objective of this document is to involve regional governments so they use this information provided from the experiences of victims: because helping them is creating citizen awareness. It is a tool that should be used to establish action protocols and create units for assisting victims of traffic crashes in their respective countries. This will make it possible for them to act starting with prevention because, upon training key players to inform rigorously, it will also help to improve road safety and the health of all those affected. We also consider the need to rigorously apply or modify existing laws when necessary for greater citizen protection.

We consider it necessary to provide close support to relatives of the affected individuals to inform, orient and advise them, in addition to accompanying them in this long, painful process that suddenly changed their lives so they know how to adapt to a new situation. For those who suffer the lack of information or misinformation, they must be lent a helping hand and good listening. They should be spent time with to give them answers to their questions and address their doubts.

This guide informs regional governments of the path to follow. A path paved by victims' associations that fight starting with volunteering against road violence to achieve a safer and more united world because we have the mandatory commitment to work together so no one else has to suffer the pain of this avoidable pandemic.

It is the responsibility of governments and all players involved in road safety to fulfill the commitments acquired worldwide and transform their words into action.

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Links at the regional level

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http://www.mjusticia.gob.es/cs/Satellite/Portal/es/servicios-ciudadano/oficinas-asistencia-victimas#id_1288774766790

Annex

Contact information of the Associations

FICVI. Federación Iberoamericana de Asociaciones de Víctimas Contra la Violencia Vial
www.contralaviolenciavial.org
<https://www.facebook.com/cerovictima>
<https://twitter.com/FICVI1>

Argentina

CONDUCIENDO A CONCIENCIA relatives of the victims of the Santa Fe B.A tragedy
Founding member
Representative Héctor d'Agostino
www.conduciendoaconciencia.org

COMPROMISO VIAL POR URSULA Y CARLA. Asociación Civil ROSARIO.
Fellow
Representative Mónica Gangemi.
www.compromisovial.org.ar

Brazil

VIDA URGENTE - Fundação Thiago De Moraes Gonzaga
Founding member
Representative Diza Gonzaga
www.vidaurgente.org.br

Chile

FUNDACIÓN EMILIA SILVA FIGUEROA
Fellow
Representative Carolina Figueroa Cerna
www.fundacionemilia.cl

Colombia

POR LA VIA POR LA VIDA- LIGA CONTRA LA VIOLENCIA VIAL

Founding member

Representative Mary Bottagisio

www.porlaviaporlavida.org

Costa Rica

ACONVIVIR: Asociación de deportistas CONtra la Violencia Vial y el IRrespeto.

Founding member

Representative Ramón Pendones

www.aconvivir.org

Ecuador

FUNDACIÓN CAVAT- NICOLE PAREDES. Centro de apoyo a víctimas de crashes de tránsito

Founding member

Representative Soraya Herrera Díaz

www.cavat-nicoleparedes.org

Guatemala

APASIT Asociación de prevención y atención de la seguridad integral en el tránsito

Fellow

Representative Héctor Morales Delgado

Mexico

NACE No A Conducir Ebrio. Monterrey

Founding member

Representative Ricardo Cantú Jauckens

www.nace.com.mx

VÍCTIMAS DE VIOLENCIA VIAL AC. Guadalajara

Founding member

Representative Alma Araceli Chávez Guth

www.victimasdeviolenciavial.org.mx

J.A.I.M.E JAMÁS APOYARÉ IR MANEJANDO EBRIO. Sonora

Fellow

Representative Claudia Dinorah Alcaraz

MOVAC. Movimiento de Activación Ciudadana A.C. (Movement for Citizen Activation A.C.) Monterrey

Fellow

Representative Luisa Peresbarbosa

www.movac.mx

<https://es-es.facebook.com/MovACNL>

<https://twitter.com/movacnl>

Panama

MOVIMIENTO 23 DE OCTUBRE

Founding member

Representative David Ramírez

www.movimiento23deoctubre.com

Paraguay

S.E.R. "Seguridad en las Rutas"

Founding member

Representative: María José Esquivel

www.seguridadenlasrutas.org.py

Portugal

ASSOCIAÇÃO DE CIDADÃOS AUTO-MOBILIZADOS ACA-M.

Fellow

Representative Manuel Joao Ramos

www.aca-m.org

Spain

STOP CRASHES. Asociación de ayuda y orientación a afectados por crashes de tráfico

Founding member

Representative Jeanne Picard Mahaut

www.stopcrashes.org

Uruguay

FUNDACION GONZALO RODRIGUEZ

Founding member

Representative María Fernanda Rodríguez

www.gonzalorodriguez.org

Venezuela

ASOTRANSITO

Founding member

Representative Lilian Romero

www.asotransito.com.ve

